

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION

George Logue	1	CASE NO. 02 – 10822 - DPW
	1	
Plaintiff	1	
	1	
v.	1	
	1	
	1	
Martha Coakley	1	
	1	
Defendants	1	
	1	

MOTION TO PERPETUATE TESTIMONY PENDING APPEAL

Pursuant to Federal Rules of Civil Procedure plaintiff-appellant respectfully submits to this Honorable Court, his Motion for Leave, for the purpose of requesting the opportunity for discovery from this District Court while awaiting appeal.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff hereby moves, pursuant to Fed. R. Civ. P. 28(b), for leave to take depositions of Martha Coakley and her assistant, at a time and place to be designated by this Court. Further, plaintiff respectfully requests the court for an order granting plaintiff the means by which he may take oral depositions, as defined in that rule, and of defendants listed above, in order to perpetuate their testimony for use in further proceedings in this action pending appeal from the judgment of this court.

As grounds for this motion, plaintiff states as follows:

1. On January 3, 2005 this court entered judgment dismissing the cases. A Notice of Appeal was submitted to that judgment January 5, 2005, and is currently pending before the First Circuit, A.C. case 05-1131.

2. The subject matter of the testimony of Martha Coakley and her assistant expects to elicit information regarding events that transpired during the prosecution of 2003, including details that will aid in describing the factual actions and responses of these defendants as they pertain to what occurred while they were District and Assistant District Attorney's.
3. The perpetuation of the testimony of Martha Coakley and her assistant is necessary and proper to avoid a failure or any delay of justice. The depositions are for use in the development of facts where Martha Coakley and her assistant were participants in the events and have knowledge of the particular series of events that unfolded during the prosecution by Martha Coakley and her assistant.

Wherefore, Plaintiff moves this court for an Order allowing Martha Coakley and her assistant to be deposed, upon oral examination, pursuant to Fed. R. Civ. P. 27(b).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Henry Leque", is written over a horizontal line.

July 27, 2005